

## REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 11, 2007. In the Office Action, the Examiner notes that claims 65-76 are pending and rejected.

In view of the following discussion, Applicants submit that none of the claims now pending in the application obvious, under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

### I. REJECTION OF CLAIMS 65-76 UNDER 35 U.S.C. § 103

#### A. Claims 65, 67 and 69-74

The Examiner has rejected claims 65, 67 and 69-74 under 35 U.S.C. §103(a) as being unpatentable over Alonso et al. U.S. Patent 6,184,878, hereinafter "Alonso," in view of Debey U.S. Patent 5,701,582, hereinafter "Debey," in further view of Huizer et al. U.S. Patent 6,751,802, hereinafter "Huizer." Applicants respectfully traverse the rejection.

Independent claim 65 recites features of Applicants' invention that Applicants consider to be inventive. In particular, independent claim 65 recites:

65. In a system for interactive distribution of selectable presentations, said system having a presentation preparation server, a broadband signal distribution head-end coupled to said presentation preparation server and to a broadband signal distribution network, and an addressable processing equipment at a user location, a method comprising:

transmitting a presentation request from said addressable processing equipment at said user location to said presentation preparation server, said presentation request including a destination address corresponding to said addressable processing equipment at said user location;

receiving a plurality of selectable presentations at said presentation preparation server;

converting said selectable presentations to MPEG digital video format;

storing said selectable presentations in MPEG digital video format in a presentation database memory;  
retrieving one of said selectable presentations corresponding to said presentation request from said presentation database memory to form a selected presentation in MPEG digital video format;  
multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream;  
transmitting an address message to said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream;  
transmitting said MPEG digital video transport stream from said broadband signal distribution head-end;  
receiving said address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream; and  
receiving said selected presentation at said addressable processing equipment at said user location. (Emphasis added.)

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Alonso, Debey and Huizer references, alone or in any permissible combination, fail to teach or suggest Applicants' invention as a whole.

Alonso fails to teach or suggest at least Applicants' claim 65 invention as a whole. Alonso fails to teach or disclose at least the claimed elements of multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream and receiving said address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream, as positively recited in Applicants' independent claim 65.

Specifically, Alonso discloses an interactive World Wide Web (WWW) access using a set top terminal in a video on demand (VOD) system. Alonso teaches a system that delivers a WWW page or a Video on Demand program. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

Nowhere in Alonso is there any teaching or suggestion of at least the claimed element of multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream. The Examiner alleges Bleidt, et al. (U.S. Patent No. 5,671,377, hereinafter "Bleidt"), incorporated by reference by Alonso, teaches an MPEG multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream.

The Applicants respectfully submit that the multiplexer taught by Bleidt actually teaches away from the Applicants invention. As positively recited by the Applicants' claims, the Applicants' invention teaches multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream. The location of the selectable presentations may be identified by an address message.

In contrast, Bleidt teaches that the multiplexing circuit reformats the serial data in a multiplexed manner such that a large number of users can be connected to the various ports of the multiplexing circuit. (See Bleidt, col. 6, ll. 52-62.) Each user is associated with a given channel is allocated a specific slot in which the user's data is transmitted through the delivery system. (See *Id.*) In other words, the multiplexing circuit reformats the serial data based the ports assigned to a user and transmits the data accordingly. Consequently, no addressable message is required by Bleidt because the data is transmitted to the appropriate user based upon the user's assigned channel. (See *Id.*)

Moreover, in *arguendo*, even if the Examiner's unduly broad interpretation is assumed to be correct, Alonso does not teach multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by

other users into an MPEG digital video transport stream. Again, as discussed in previous responses, Alonso clearly teaches that the MPEG conversion occurs after the video page and menu page are combined. (See Alonso, col. 5, ll. 7-9.)

Furthermore, Alonso fails to teach that selectable presentations (i.e. more than one) in MPEG digital video format are multiplexed into an MPEG digital video transport stream. Alonso teaches that either a WWW page or VOD program is delivered to the user and not both simultaneously. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

In addition, the Examiner concedes that Alonso fails to teach at least the claimed elements of multiplexing said selected presentation in MPEG digital video format with other selectable presentations into an MPEG digital video transport stream and receiving said addressable message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream. (See Office Action, pp. 3, 6.)

Moreover, Debey and Huizer fail to bridge the substantial gap between Alonso and Applicants' invention. Debey only teaches recording the subscriber ID when a routing computer receives a subscriber request. (See Debey, col. 10, ll. 44-47.)

Huizer discloses a method of transmitting and receiving compressed television signals. Huizer teaches the ability to pause a bit stream and resume playback. (See Huizer, Abstract.)

Both Debey and Huizer, however, are devoid of any teaching or suggestion of multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream. Moreover, both Debey and Huizer are devoid of any teaching or suggestion of receiving said address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream.

Huizer, at best, teaches inserting position labels into a bit stream where a server can resume transmission of the signal after an interruption. (See Huizer,

Abstract.) Applicants' respectfully submit that inserting position labels into a bit stream of one program is not the same as receiving an address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in an MPEG digital video transport stream, where the media stream contains multiple selected presentations, as recited in Applicants' claim 65. As such, Applicants' independent claim 65 is patentable under 35 U.S.C. §103(a) over Alonso in view of Debey and Huizer.

Furthermore, dependent claims 67 and 69-74 depend, either directly or indirectly, from independent claim 65. Accordingly, these dependent claims are also patentable for at least the reasons discussed above with respect to independent claim 65. Therefore, Applicants respectfully request that the rejection of claims 65, 67, and 69-74 under 35 U.S.C. §103(a) be withdrawn.

**B. Claim 66**

The Examiner has rejected claim 66 under 35 U.S.C. §103(a) as being unpatentable over Alonso in view of Debey in further view of Huizer, as applied to the claims above, and further in view of LaJoie et al. U.S. Patent 5,850,218, hereinafter "LaJoie," and in further view of Banker et al. U.S. Patent 5,485,221, hereinafter "Banker." Applicants respectfully traverse the rejection.

Claim 66 depends directly from independent claim 65. As such, for at least the reasons discussed above, the Alonso, Debey and Huizer references fail to teach or suggest Applicants' invention as taught in claim 65. Accordingly, any attempted combination of the Alonso and Huizer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 66 is not obvious and is patentable under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection of claim 66 be withdrawn.

**C. Claim 68**

The Examiner has rejected Claim 68 rejected under 35 U.S.C. §103(a) as being unpatentable over Alonso, in view of Debey, in further view of Huizer, as applied to the claims above, and further in view of Hooper et al. U.S. Patent No. 5,422,674, hereinafter "Hooper." Applicants respectfully traverse the rejection.

Claim 68 depends directly from independent claim 65. Moreover, for at least the reasons discussed above, the Alonso, Debey and Huizer references fail to teach or suggest Applicants' invention as taught in claim 65. Accordingly, any attempted combination of the Alonso and Huizer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 68 is not obvious and is patentable under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection of claim 68 be withdrawn.

D. Claims 75-76

The Examiner has rejected claims 75-76 under 35 U.S.C. §103(a) as being unpatentable over Alonso in view of Huizer. Applicants respectfully traverse the rejection.

Applicants' claim 75 recites:

75. (Previously Presented) A system for interactive distribution of selectable presentations, said system comprising:  
addressable processing equipment at a user location, said  
addressable processing equipment transmitting a request for a presentation;  
a presentation preparation server, including a receiver coupled to said  
addressable processing equipment at a user location for receiving said  
request for a presentation;  
a presentation conversion utility at said presentation preparation server  
for encoding said selectable presentations into MPEG digital video format;  
a presentation database memory coupled to said presentation  
conversion utility for storing said selectable presentations encoded in MPEG  
digital video format;  
an MPEG packet multiplexer coupled to said presentation database  
memory, wherein said MPEG packet multiplexer multiplexes said requested  
presentation and other selectable presentations selected by other users in  
MPEG digital video format into an MPEG digital video transport stream;  
a broadband signal distribution head-end coupled to said MPEG  
packet multiplexer; and

a broadband signal distribution network coupled to said broadband signal distribution head-end and to said addressable processing equipment at said user location, for transmitting a selected presentation corresponding to said request for a presentation to said addressable processing equipment at said user location,

wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream. (Emphasis added.)

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Alonso, Debey and Huizer references, alone or in any permissible combination, fail to teach or suggest Applicants' invention as a whole.

Alonso fails to teach or suggest at least Applicants' claim 75 invention as a whole. Alonso fails to teach or disclose at least the claimed elements of an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream and wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream, as positively recited in Applicants' independent claim 65.

Specifically, Alonso discloses an interactive World Wide Web (WWW) access using a set top terminal in a video on demand (VOD) system. Alonso teaches a system that delivers a WWW page or a Video on Demand program. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

Nowhere in Alonso is there any teaching or suggestion of at least the claimed element of an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream. The Examiner alleges Bleidt, et al. (U.S. Patent No. 5,671,377, hereinafter "Bleidt"), incorporated by reference by Alonso, teaches an MPEG multiplexer.

The Applicants respectfully submit that the multiplexer taught by Bleidt actually teaches away from the Applicants invention. As positively recited by the Applicants' claims, the Applicants' invention includes an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream. The location of the selectable presentations may be identified by an address message.

In contrast, Bleidt teaches that the multiplexing circuit reformats the serial data in a multiplexed manner such that a large number of users can be connected to the various ports of the multiplexing circuit. (See Bleidt, col. 6, ll. 52-62.) Each user associated with a given channel is allocated a specific slot in which the user's data is transmitted through the delivery system. (See *Id.*) In other words, the multiplexing circuit reformats the serial data based the ports assigned to a user and transmits the data accordingly. Consequently, no addressable message is required by Bleidt because the data is transmitted to the appropriate user based upon the user's assigned channel. (See *Id.*)

Moreover, in *arguendo*, even if the Examiner's unduly broad interpretation is assumed to be correct, Alonso does not teach that the multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream. Again, as discussed before, Alonso clearly teaches that the MPEG conversion occurs after the video page and menu page are combined. (See Alonso, col. 5, ll. 7-9.)



Furthermore, Alonso fails to teach that selectable presentations (i.e. more than one) in MPEG digital video format are multiplexed into an MPEG digital video transport stream. Alonso teaches that either a WWW page or VOD program is delivered to the user and not both simultaneously. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

In addition, Alonso fails to teach at least the claimed elements of indicating a position of the selected presentation in the MPEG digital video format, as conceded by the Examiner. (See Office Action, p. 10, ll. 1-2.)

Huizer fail to bridge the substantial gap between Alonso and Applicants' invention. Huizer discloses a method of transmitting and receiving compressed television signals. Huizer teaches the ability to pause a bit stream and resume playback. (See Huizer, Abstract.)

Huizer, however, is devoid of any teaching or suggestion of an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream and wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream. Moreover, Huizer is devoid of any teaching or suggest of using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream.

Huizer, at best, teaches inserting position labels into a bit stream where a server can resume transmission of the signal after an interruption. (See Huizer, Abstract.) Applicants respectfully submit that inserting position labels into a bit stream of one program is not the same as receiving an address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in a MPEG digital video transport stream, where the media stream contains multiple selected presentations, as recited in claim 75. As

such, independent claim 75 is patentable under 35 U.S.C. §103(a) over Alonso in view of Huizer.

Dependent claim 76 depends directly from independent claim 75, while adding additional elements. Accordingly, claim 76 is also patentable for at least the reasons discussed above with respect to independent claim 75. Therefore, Applicants respectfully request that the rejection of claims 75-76 under 35 U.S.C. §103(a) be withdrawn.

### SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

### CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/12/07

EJ Wall  
Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATENT  
Attorney Docket No.: TWV/APP13US  
Serial No. 09/255,052  
Page 17 of 17

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808